

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FARON PEACOCK,

Plaintiff,

Case No: 1:15-cv-572

v.

HON. JANET T. NEFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

Plaintiff seeks judicial review of a decision of the Commissioner of the Social Security Administration. 42 U.S.C. § 405(g). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R & R), recommending that this Court affirm the Commissioner's decision to deny Plaintiff's claim for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) under Titles II and XVI of the Social Security Act. The matter is presently before the Court on Plaintiff's Objections to the Report and Recommendation (Dkt 23). Defendant has filed a Response (Dkt 25). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the Objections and issues this Opinion and Order.

As a general matter, Plaintiff merely reiterates his arguments presented before the magistrate judge, which are not valid objections to a report and recommendation. An "objection" that merely "restates the arguments previously presented is not sufficient to alert the court to alleged errors on the part of the magistrate judge." *VanDiver v. Martin*, 304 F. Supp. 2d 934, 937 (E.D. Mich. 2004);

see also Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995). Such duplication defeats the purpose of the Federal Magistrates Act, 28 U.S.C. § 636, which is to ““relieve courts of unnecessary work.”” *See Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991) (citation omitted). Additionally, such argument fails to comply with the local rule for review and appeal of magistrate judge decisions, which requires that a party “specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections.” *See* W.D. Mich. LCivR 72.3(b). The Court declines to address such improper argument.

The Magistrate Judge considered the issues presented on appeal under the applicable legal standards and appropriately concluded that the Commissioner’s decision was supported by substantial evidence and should be affirmed. Plaintiff presents no objections to the Magistrate Judge’s analysis or conclusions that warrant a different disposition. Because Plaintiff presents no valid objection to the Report and Recommendation, there is no merit in his allegation of error in the Magistrate Judge’s further finding that an appeal would not be taken in “good faith.”

This Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. Plaintiff is proceeding *in forma pauperis*, and this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See Smith v. Comm’r of Soc. Sec.*, 1999 WL 1336109 at *2 (6th Cir., Dec. 20, 1999); *Comm’r of Soc. Sec.*, 2015 WL 731311 at *2 (N.D. Ohio, Feb. 19, 2015); 28 U.S.C. § 1915(a)(3).

Accordingly:

IT IS HEREBY ORDERED that the Objections (Dkt 23) are DENIED, the Report and Recommendation of the Magistrate Judge (Dkt 22) is APPROVED and ADOPTED as the Opinion of the Court, and the decision of the Commissioner of Social Security is AFFIRMED.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of the decision would not be taken in good faith.

A Judgment will be entered consistent with this Opinion and Order.

Dated: May 25, 2016

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge